

IN THE DRAWINGS

Applicant acknowledges that the drawings filed on July 21, 2004 are accepted.

REMARKS

Claim 1 has been amended to clarify an informality. No new subject matter has been added. Claims 1, 2, and 4-13 are pending in the application. The Examiner has rejected claims 1, 2, and 4-13.

In the pending Office Action, claims 1, 2, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,744,293 (*Fu*) for reasons of record. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fu* for reasons of record. The Applicant traverses the rejection for the reasons specified below.

Claim 1 is directed to an apparatus that calls for a phase detector adapted to determine a phase difference between at least two input signals. Claim 1, among other things, also calls for a second circuit adapted to receive a first signal, to receive a second signal, and to modify the second signal based upon the control signal. Claim 1 further specifies that the second circuit is adapted to provide the first signal and the modified second signal as the input signals to the phase detector. Thus, when this last claimed feature is read in light of the first claimed feature (i.e., a phase detector adapted to determine a phase difference between at least two input signals), it is clear that claim 1 calls for the phase detector to determine a phase difference between the first signal and the modified second signal that are provided to it as the two input signals.

In the previous Response, the Applicants noted that the Examiner was arguing that signals 103 and 109 are two separate and distinct signals that respectively satisfy the “first signal” and “modified second signal” of claim 1. In the Final Office Action, the Examiner once again reiterates that Figure 1 “clearly shows a first signal (103) and a modified second signal (109).” See Final Office Action, page 2. The Applicants respectfully reiterate that only one

signal is provided to the input of the phase detector, namely the output of the clock buffer 104. The Applicants direct the Examiner's attention to the actual description of the accompanying text of Figure 1, a description that directly undercuts the Examiner's argument. In particular, the Examiner is invited to read the passage at col. 2, lines 28-33, which clearly states that the "phase detector 106 includes a first input connected to an output of the clock buffer 104 for receiving an offset incoming clock signal." Fu thereafter continues and states that the only other input signal received by the phase detector 106 is from the local reference clock signal line 101. Thus, notwithstanding the Examiner's two imaginary signals, Fu in col. 2 specifies that the phase detector 106 receives only one signal from the clock buffer 104, and not two different signals as alleged by the Examiner.

The Examiner's flawed application of Fu fails for another fundamental reason. As explained earlier, claim 1 calls for a phase detector that is adapted to determine a phase difference between at least two input signals (the claim later specifies that the two input signals are the first signal and the modified second signal). Thus, when read in context, claim 1 calls for a phase detector adapted to determine a phase difference between the first signal and the modified second signal. Under the Examiner's application of Fu, the phase detector 106 would have to determine the phase difference between signals 103 and 109, and it does not. Rather, Fu teaches that the phase detector 106 determines the phase difference between the outputs of the clock buffer 104 and clock VDU 102. Fu, col. 2, lines 28-33; col. 2, lines 18-23. This fact further highlights the fundamental flaw in the Examiner's application of Fu.


With respect to claims 4-6, the Examiner rejects these claims under 35 U.S.C. 103(a) as being unpatentable over *Fu*. The Examiner originally cited no secondary reference, and, as a

consequence, the Applicants requested the Examiner to provide such a reference substantiating the “obviousness” assertion, or to, alternatively, provide an **affidavit** in accordance with **37 C.F.R. § 1.104(d)(2)**. In the Final Office Action, the Examiner makes a casual reference to Choi (US Patent 6,198,326). See Final Office Action, page 3. However, in the actual rejection (on page 2), the Examiner still relies solely on Fu to make the obviousness rejection (as opposed to the combination of the two references). To the extent that Examiner is now relying on Choi to substantiate his obviousness rejection (and plans to do so for Appeal purposes), the Applicants respectfully request the Examiner to establish a prima facie case of obviousness by showing at least the following requisite elements: (1) that the combination of the references (*Fu* and *Choi*) teaches each and every feature of the claims; (2) the requisite motivation to combine the references in the manner suggested; (3) and the appropriate level of expectation of success.

It is respectfully noted that the reliance on *Choi* represents new ground of rejection that was not necessitated by any previous amendments by the Applicants. As such, **the finality of the October 27, 2005 Office Action is improper**, and the Examiner is kindly requested to withdraw the finality.

In view of the foregoing reasons, the Applicant respectfully requests the Examiner to allow the claims.

The Examiner is invited to contact the undersigned attorney at (713) 934-4064 with any questions, comments or suggestions relating to the referenced patent application.

<p>Date: <u>12/22/05</u></p>	<p>Respectfully submitted,</p> <p>WILLIAMS, MORGAN & AMERSON, P.C. CUSTOMER NO. 23720</p> <p>By: </p> <p>Ruben S. Bains, Reg. No. 46,532 10333 Richmond, Suite 1100 Houston, Texas 77042 (713) 934-4064 (713) 934-7011 (facsimile) ATTORNEY FOR APPLICANT(S)</p>
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